



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2406532

Applicant Name: Brittani Ard

Address of Proposal: 8357 28th Avenue Northwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original lot and not to each of the new unit lots. The construction of a two-unit townhouse has been approved under project #2308089. An existing single-family residence is to remain.

The following approval is required:

Short Subdivision - to create three unit lots.
(SMC Chapter 23.24)

BACKGROUND DATA

Zoning: Residential, Multi-family, Lowrise 2 ("L2").

Uses on Site: Single-family residence. Two townhouse units are undergoing construction (Project #2308089/Permit #745022).

Substantive Site Characteristics: The parent lot slopes down from the east property line along 28th Avenue Northwest toward the west property line. 28th Avenue Northwest and the alley along the west property line are paved; the 28th Avenue Northwest street frontage is improved with curb, gutter, and sidewalk.

Area Characteristics: Properties to the north and east of the subject lot are also zoned L2 and are developed with multi-family residences. The property to the east (across 28th Avenue Northwest) is zoned Neighborhood Commercial 1, with a base height of 30 feet ("NC1-30"). Properties to the south are zoned Residential, Single-family 5,000 ("SF 5000") and are developed with single-family residences.

Public Comment: Several public comment letters were received during the comment period which ended October 27, 2004.

In addition, a petition requesting a public meeting signed by more than 50 people was submitted within the public comment period. In response, DPD held a public meeting at the Loyal Heights Community Center on November 15, 2004. Topics discussed at the meeting included relevant development standards (e.g. parking, density, lot coverage) that had been reviewed under the related construction permit and the perception that the public notice process for unit lot subdivisions does not provide timely information to the public regarding proposed construction.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SPU), Fire Departments (SFD), Seattle City Light and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The unit lots to be created by this short subdivision would meet all minimum standards or applicable exceptions set forth in the Land Use Code and would be consistent with applicable development standards. As conditioned, this short subdivision could be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply, and sanitary

sewage disposal have been provided for each unit lot, and service is assured subject to standard conditions governing utility extensions. The proposal site is not located in an environmentally critical area; therefore, SMC 25.09.240 is not applicable. The proposed unit lot short plat does not affect the retention of trees. The public use and interest would be served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*
- F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed unit lot short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision.

The proposed development would consist of townhouses and a single-family residence. The structures, as reviewed under a separate building permit (Project #2308089/Permit #745022), conform to the development standards at the time the permit application was vested.

To assure that future owners have constructive notice that additional development may be limited; the applicant has included Note #3 on the face of the plat that reads as follows: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."* In addition, a common maintenance agreement has been added to the face of the plat. Parking and open space would be provided on each unit lot.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY APPROVED**.

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Correct the legal description for Unit Lots A, B, and C to add the short plat project number (2406532) to the end of the third paragraph of each of the legal descriptions.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ____ of ____."
3. On Sheet 6 of 7, update the language of the required Seattle City Light Easement as specified by City Light.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
5. Submit the recording fee and final recording forms for approval.

Signature: _____ (signature on file) Date: December 9, 2004
Leslie C. Clark, AICP,

Land Use Planner

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